

AO 91 (Rev. 11/11) Criminal Complaint

Officer:

AUSA: Susan E. Fairchild

Hector Rivera

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UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Daniel GUTIERREZ-SANCHEZ

Alias: Jonatan LEON

Case No. Case: 2:24-mj-30425
Assigned To : Unassigned
Assign. Date : 10/3/2024
Description: CMD: USA V.
GUTIERREZ-SANCHEZ (Dt)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 02, 2024 in the county of Oakland County in the

Eastern District of Michigan, the defendant(s) violated:

Code Section

Offense Description

Title 8, United States Code, Section 1326(a),(b)(1)

Unlawful Re-entry after Removal from the United States

This criminal complaint is based on these facts:

On or about October 02, 2024, in the Eastern District of Michigan, Southern Division, Daniel GUTIERREZ-SANCHEZ an alien from Mexico was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about March 15, 2016, at or near Calexico California and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), (b)(1).

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: October 3, 2024

City and state: Detroit, MI



Complainant's signature

Hector Rivera, Deportation Officer

Printed name and title



Judge's signature

Kimberly Altman, United States Magistrate Judge

Printed name and title

AFFIDAVIT

I, Hector Rivera, declare the following under penalty of perjury:

1. I am a Deportation Officer employed with Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO) of the United States Department of Homeland Security (DHS) at the Detroit Field Office. I have been employed in this capacity since February 2007. I am currently assigned to the Detroit ICE-ERO Fugitive Operations team.
2. This affidavit is submitted for the limited purpose of establishing probable cause in support of a criminal complaint and an arrest warrant for Daniel GUTIERREZ-SANCHEZ, a/k/a Jonatan LEON, an alien who has previously been convicted of a felony offense and was subsequently removed from the United States on or about March 15, 2016, at or near Calexico, California, and was thereafter found in the United States on or about October 2, 2024, without having obtained the express consent or permission of the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission, all in violation of Title 8, United States Code, Sections 1326(a), (b)(1).
3. The information contained in this affidavit is based upon my personal knowledge and observations, information provided by other law enforcement personnel to include ICE ERO Deportation Officers, and database record checks. I have also reviewed records from the official immigration file and system automated data relating to GUTIERREZ-SANCHEZ. I have not included every fact known to law enforcement related to this investigation.
4. GUTIERREZ-SANCHEZ is a forty-two-year-old citizen and a native of Mexico who last entered the United States on an unknown date, at an unknown place, without being inspected and admitted or paroled by an immigration officer.
5. On January 06, 2000, the United Border Patrol (USBP) arrested GUTIERREZ-SANCHEZ at or near Trenton, Michigan and served him with an I-862, Notice to Appear. On January 20, 2000, an Immigration Judge in

Detroit, Michigan ordered GUTIERREZ-SANCHEZ removed from the United States.

6. On May 27, 2005, USBP arrested GUTIERREZ-SANCHEZ at or near El Centro, California and removed GUTIERREZ-SANCHEZ to Mexico via Calexico, California.
7. On August 05, 2005, USBP arrested GUTIERREZ-SANCHEZ at or near El Centro, California and voluntarily returned him back to Mexico on the same day.
8. On December 14, 2005, USBP arrested GUTIERREZ-SANCHEZ at or near El Centro, California and voluntarily returned him back to Mexico on the same day.
9. On September 07, 2007, USBP arrested GUTIERREZ-SANCHEZ at or near San Diego, California and served him with an I-871, Notice of Intent/Decision to reinstate prior order. On September 08, 2007, ICE removed GUTIERREZ-SANCHEZ to Mexico via San Ysidro, California.
10. On November 18, 2007, USBP arrested GUTIERREZ-SANCHEZ at or near Calexico, California and served him with an I-871, Notice of Intent/Decision to reinstate prior order. On November 18, 2007, ICE removed GUTIERREZ-SANCHEZ to Mexico via Calexico, California.
11. On October 14, 2008, USBP arrested GUTIERREZ-SANCHEZ at or near San Diego, California and served him with an I-871, Notice of Intent/Decision to reinstate prior order. On October 14, 2008, USBP removed GUTIERREZ-SANCHEZ to Mexico via San Ysidro, California.
12. On January 12, 2009, USBP arrested GUTIERREZ-SANCHEZ at or near Jacumba, California and voluntarily returned him back to Mexico on the same day.
13. On October 23, 2009, USBP arrested GUTIERREZ-SANCHEZ at or near El Centro, California and served him with an I-871, Notice of Intent/Decision to reinstate prior order.
14. On December 07, 2009, the United States District Court Southern District of California convicted GUTIERREZ-SANCHEZ for the offense of 8 USC

§1326, Unlawful Reentry after Removal from the United States and sentenced to 60 days' custody.

15. On December 18, 2009, USBP removed GUTIERREZ-SANCHEZ to Mexico via Calexico, California.

16. On January 31, 2016, USBP arrested GUTIERREZ-SANCHEZ at or near El Centro, California and served him with an I-871, Notice of Intent/Decision to reinstate prior order. On January 31, 2016, USBP removed GUTIERREZ-SANCHEZ to Mexico via San Ysidro, California.

17. On February 15, 2016, USBP arrested GUTIERREZ-SANCHEZ at or near Calexico, California and served him with an I-871, Notice of Intent/Decision to reinstate prior order. On March 15, 2016, the United States District Court Southern District of California convicted GUTIERREZ-SANCHEZ for the offense of 8 USC §1325, Illegal Entry into the United States and sentenced him to time served.

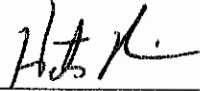
18. On March 15, 2016, USBP removed GUTIERREZ-SANCHEZ to Mexico via Calexico, California.

19. On September 23, 2024, GUTIERREZ-SANCHEZ was arrested by the Troy Police Department for Operating Under the Influence of Alcohol. When he was arrested, he told the police his name was Jonatan Leon. GUTIERREZ-SANCHEZ blew a blood alcohol level of .21. During the arrest, GUTIERREZ-SANCHEZ was uncooperative with police and refused to comply or follow directions. Eventually he was released by the Troy police, because they were unaware of his true name and lack of status in the United States.

20. On October 2, 2024, the ERO Detroit North Team traveled to 45 W. Fairmount, Pontiac, MI 48341 in search of Daniel GUTIERREZ-SANCHEZ. At approximately 06:30 a.m., a male subject matching the physical description of GUTIERREZ-SANCHEZ departed the residence in a black colored Honda Civic bearing MI plate 7QKJ80. ICE Officers initiated a vehicle stop at or near Baldwin and Poplar in Pontiac, MI. ICE Officers approached the car and identified themselves. The Officers then conducted a field interview to identify the occupant of the vehicle based on the reasonable suspicion that this individual matched the description of GUTIERREZ-SANCHEZ, who was seen exiting his last known residence at or near Pontiac, MI.

21. GUTIERREZ-SANCHEZ identified himself, presented a Mexican ID in the name of Jonatan LEON, but stated his real was Daniel GUTIERREZ-SANCHEZ, and stated that he was a citizen and national of Mexico. Deportation Officers placed GUTIERREZ-SANCHEZ under arrest based on probable cause that he was an alien who had unlawfully reentered the United States after having been previously removed.
22. ICE-ERO Deportation Officers transported GUTIERREZ-SANCHEZ to the Detroit Field Office for processing. The arrest and subsequent detention of GUTIERREZ-SANCHEZ was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any alien entering or attempting to enter the United States, or any alien present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of aliens.
23. GUTIERREZ-SANCHEZ's fingerprints and photograph were captured and searched in the ICE/FBI systems. The fingerprints returned with a positive match for Daniel GUTIERREZ-SANCHEZ, a native and citizen of Mexico who had previously been removed from the United States.
24. A review of GUTIERREZ-SANCHEZ's immigration file, record checks, and queries in the U.S. Department of Homeland Security databases confirmed that GUTIERREZ-SANCHEZ did not obtain the permission or express consent from the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission to the United States following his removal on March 15, 2016.
25. On October 2, 2024, ICE-ERO served GUTIERREZ-SANCHEZ with Form I-871, Notice of Intent/Decision to Reinstate Prior Order.
26. Based on the above information, I believe there is probable cause to conclude that Daniel GUTIERREZ-SANCHEZ is a non-citizen, who has previously been convicted of a felony offense and was subsequently removed from the United States on or about March 15, 2016, at or near Calexico, California, and was thereafter found in the United States on or about October 2, 2024, in the Eastern District of Michigan, without having obtained the express consent or

permission of the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission to the United States, all in violation of Title 8, United States Code, Sections 1326(a), (b)(1).



Hector Rivera, Deportation Officer
Immigration and Customs Enforcement

Sworn to before me and signed in my
presence and/or by reliable electronic means.



Kimberly Altman
United States Magistrate Judge

Dated: October 3, 2024